NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading as applied to the article, which failed to comply with the specifications as stated: (Leaflet in box) "Certificate of Accuracy for Clinical Thermometer * * * This test is governed by a Standard Thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. All our thermometers are manufactured in accord with their specifications. (C. S. 1–32 Department of Commerce.) * * *."

DISPOSITION: June 20, 1950. Default decree of condemnation and destruction.

3136. Adulteration and misbranding of clinical thermometers. U. S. v. 12 Dozen * * *. (F. D. C. No. 29036. Sample No. 7397–K.)

LIBEL FILED: March 31, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENTS On or about November 8, 1949, by the Guardian Thermometer Co., from New York, N. Y.

PRODUCT: 12 dozen *clinical thermometers* at Erie, Pa.

Examination of 24 thermometers showed that 1 thermometer failed to meet the C. S. 1–32 test for entrapped gas; that 3 thermometers failed to meet the test for hard shakers; and that 1 thermometer out of 5 failed to meet the test for loss of pigment.

LABEL, IN PART: "Clinical Fever Thermometers Oral" and "Globe Fever Thermometer Oral."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following statements in the labeling were false and misleading as applied to the article, which failed to comply with the specifications stated: (On 1-dozen container and individual carton) "This thermometer has been tested, found to comply with the requirements of the Department of Commerce Commercial Standard C. S. 1–32" and (on leaflet packaged with thermometer) "This Is To Certify That Self-registering Clinical Thermometer 'GT' has been examined, tested and found to meet all requirements and tests specified in the 'Commercial Standard C. S. 1–32 for Clinical Thermometers' used by the United States Department of Commerce."

DISPOSITION: June 2, 1950. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3137. Misbranding of W. E. & M. E. Herb Laxative. U. S. v. 94 Bottles * * *. (F. D. C. No. 29031. Sample No. 80909–K.)

LIBEL FILED: On or about April 6, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about February 27, 1950, by the W. E. & M. E. Herb Laxative Co., from Philadelphia, Pa.

PRODUCT: 94 4-ounce bottles of *W. E. & M. E. Herb Laxative* at Camden, N. J.

*See also Nos. 3121, 3129, 3130, 3132, 3134–3136.

LABEL, IN PART: "* * * W. E. & M. E. Herb Laxative Active Ingredients: Ragweed, White Oak Bark, Red Oak Bark, Golden Seal Root, Queen's Root, Gentian Root, Rhubarb, Black Snake Root, Virginia Snake Root, Gall of the Earth, Jamaica Ginger Root, Poke Root, Peppermint, Blood Root, Lily of the Valley, Rosemary, Buchu, Valarian Root, Dandelion Root, Cape Aloes, Senna Leaves, Mandrake."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circular entitled "WE & ME Herb Tonic," which was attached to each bottle of the article, were false and misleading. The statements represented and suggested that the article was a tonic and that it was effective in the treatment or arthritis, nervousness, liver and kidney trouble, lost pep, lost appetite, backache, lost memory, lost energy, neuritic conditions, lumbago, headache, indigestion, gas, pains, belching, heartburn, sour stomach, rheumatism, bladder trouble, colds, and dizziness. The article was not a tonic and was not effective in the treatment of the disease conditions stated and implied.

DISPOSITION: June 13, 1950. Default decree of condemnation and destruction.

3138. Action to enjoin and restrain the interstate shipment of a device known as Radiant Ozone Generator. U. S. v. J. C. Gage (Ozone Clinic). Consent decree granting injunction. (Injunction No. 213.) 39-2772.

COMPLAINT FILED: April 19, 1950, Western District of Missouri, against J. C. Gage, trading as the Ozone Clinic, Kansas City, Mo.

NATURE OF CHARGE: That the defendant had been and was at the time of filing the complaint, introducing and delivering for introduction into interstate commerce a device known as *Radiant Ozone Generator*, consisting of an electrical transformer, the primary lead of which was intended to be connected to an alternating current supply and each terminal of the secondary lead connected to one end of a series of gas-filled tubes similar to the so-called neon lights.

The device was alleged to be misbranded within the meaning of Section 502 (a), by reason of false and misleading statements in the labeling. The labeling included leaflets entitled "The Radiant Ozone Generator" and "How to Use the Radiant Ozone Generator For the Best Results at Home" and twenty-eight mimeographed pages of testimonials.

Certain statements in the labeling represented and suggested that the device would produce ozone, rays, color, and vibration, which, it was claimed, are the four essential things for health; that the device would relieve suffering from many incurable diseases, destroy all germs and bacteria, deodorize and purify the air, and purify the blood and rejuvenate the entire body; that the device would ozonize the body and assist one in getting the best results for various diseases; that it would revitalize the body; that it would be effective in aborting flu and pneumonia, maintaining and restoring health and strength, cleansing the blood, scattering blood clots, and killing germs in the blood; and that the device would be effective in the treatment of arthritis, asthma, anemia, cancer, diabetes, sinus infections, pneumonia, rheumatism, piles, varicose veins, neuritis, colds, tonsillitis, sore throat, headache, stomach ache, toothache, earache, indigestion, fever and grippe, angina, diphtheria, mumps, whooping cough, bladder disorders, eye trouble, catarrh, heart trouble, hay fever, liver trouble, prostate gland trouble, colitis, constipation, paralysis, rheumatism, ulcers, sores, sprains, tuberculosis, mastoid ear, throat troubles, chickenpox, cancer of the breast, inflammation of the kidneys, neuralgia, disease caused

by impure blood, ailments caused by poor circulation, enlarged heart, cataract, bronchial asthma, appendicitis, weakened run-down condition, sciatic rheumatism, and partial paralysis. The device when used in the manner suggested in its labeling, or in any other manner, would not be effective in the treatment of any of the diseases, or for the purposes, stated in the labeling.

The complaint alleged also that the false and misleading nature of the labeling of the device was aggravated by reason of the fact that the labeling recommended the device for the treatment of various incurable and serious diseases, such as cancer and diabetes, with the leaflet "How to Use the Radiant Ozone Generator For the Best Results at Home" specifically stating: "Do Not Use Medicine in Any Form When Using The Ozone Generator. This Means The Entire Time," whereas, if the device were used as suggested to the exclusion of any medicine, particularly in treating the incurable and serious diseases for which it was recommended, the health of the user would be seriously and permanently impaired, and death, as well as unbearable suffering, may well be the result.

The complaint alleged further that unless restrained, the defendant would continue to introduce and deliver for introduction into interstate commerce the misbranded device.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: April 19, 1950. The defendant having consented to the entry of a decree, the court issued an order permanently enjoining the defendant from directly or indirectly introducing or delivering for introduction into interstate commerce, the device in question or any similar device which was misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

DRUGS FOR VETERINARY USE

3139. Misbranding of Sulfa-Col, Sulfa-Ton, Dia-Ton, Ry-Ton, Ton-It, and Kosa-Ton. U. S. v. Edward O. Sutherland (Kilz-Jerm Laboratory). Plea of guilty. Fine of $200, plus costs. (F. D. C. No. 29110. Sample Nos. 43203-K to 43208-K, incl.)

INFORMATION FILED: April 27, 1950, Northern District of Ohio, against Edward O. Sutherland, trading as the Kilz-Jerm Laboratory, Toledo, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of December 30, 1947, and October 5, 1948, from the State of Ohio into the State of Michigan.

PRODUCT: Analyses disclosed that the *Sulfa-Col* consisted of approximately 5 percent sulfathiazole in dilute hydrochloric acid; that the *Sulfa-Ton* consisted of approximately 4 percent sulfaguanidine in dilute hydrochloric acid; that the *Dia-Ton* consisted of 3.68 grams of benzalkonium chloride per 100 cc. solution; that the *Ry-Ton* consisted essentially of water, potassium dichromate, creosote, magnesium sulfate, and halogens; that the *Ton-It* consisted of a water solution of copper and iron compounds, with plant extractives and pungent principles, and a small amount of strychnine; and that the *Kosa-Ton* consisted of a red aqueous liquid containing, chiefly, acetic acid and epsom salt.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles were false and misleading since the articles when used as directed would not be efficacious for the purposes represented, and since the *Dia-Ton* was not nonpoisonous. The statements represented and suggested: